

Message

**From:** Hurlid, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]  
**Sent:** 1/13/2020 6:26:15 PM  
**To:** Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**Subject:** RE: your question on contractors

Thanks, if you can check with the PO that would be great. Catch is finding a Ex. 5 Deliberative Process (DP) that actually has this in scope! But I will search. Thanks again.

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**From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Sent:** Monday, January 13, 2020 1:06 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: your question on contractors

Kathy-

I don't know anyone other than Ex. 5 Deliberative Process (DP), as I've only worked on one other rule and they did the comment summaries.

I don't know if CEQ for sure is going to use Ex. 5 Deliberative Process (DP), but I can ask the project officer in OST if she knows, or if she knows of another contractor. I know Ex. 5 Deliberative Process (DP) as a sub and used them to help with comments, so perhaps there's a TT prime contract somewhere.

Ruth

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Monday, January 13, 2020 12:42 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** FW: State and tribal Assumption meeting with John on Wed 1/15

I know that all-hands are on-deck with WOTUS this week, do you still want to hold this meeting? There is nothing urgent for John's immediate decision or awareness for Dave Ross, but there are things moving and hopping that will need attention. What I have is as follows, but I'm sure I'm missing something:

State Assumption Efforts - Status

- FL –
  - Has not yet published their rule for comment or provided final copy to EPA of the draft.
  - ESA - Meeting between EPA, NOAA, Corps, and USFWS and state re informal consultation on FL program has not been scheduled. Note: will be hard to complete the assessment if state rules are not finalized as those include avoidance, compensation and other process requirements.
  - Enforcement provisions – need to resolve.
- AZ – R9 received a FOIA request. Tracking Number: EPA-R9-2020-001970
  - Submitted Date: 12/30/2019; Due Date: 02/20/2020
  - The scope includes: From January 1, 2018 to the date EPA conducts the search, the records mentioning or discussing the State of Arizona's pursuit of assumption of the U.S. Army Corps of

Engineers' ("the Corps") Clean Water Act Section 404 permitting. Seeks notes and papers associated with all meetings, phone calls, issue papers, texts and other records inter and intra agency.

- Lyn Zipf is coordinating with R9 – stay tuned.

**Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

- MI – 2 federal appeals court cases associated with the Aquilla Back 40 mine permit issued by MI are in the 6<sup>th</sup> circuit.

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

MI. Briefs are due late Jan and in Feb.

- MN – has set bi-monthly meetings up with the Region and HQ.
- NE – upcoming face to face meeting with other state agencies about assumption in NE – hosted by , R7 is attending.
- MD – on hold, hiring new staff?
- OR – still working with stakeholders

ESA

- Informal Consultation – awaiting meeting to be set for understanding of process and scope to be established.

Ex. 5 Deliberative Process (DP)

**Ex. 5 Deliberative Process (DP)**

- FRN regarding whether or not EPA has discretion when approving a state/tribal 404(g) program?
  - Docket established – will replace current description with final language from approved FRN.
  - **Ex. 5 Deliberative Process (DP)**
  - Need to find contractor to deal with response to comments (see last bullet under 404g rule)

404g Rule:

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**Ex. 5 Deliberative Process (DP)**

For John's attention:

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**Ex. 5 Deliberative Process (DP)**

## ○ Ex. 5 Deliberative Process (DP)

- R7 – meeting with NE state agencies – HQ is not currently attending.

## • Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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**From:** Santell, Stephanie <[Santell.Stephanie@epa.gov](mailto:Santell.Stephanie@epa.gov)>

**Sent:** Sunday, January 12, 2020 2:59 PM

**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Subject:** RE: State and tribal Assumption

Mindy and Kathy,

Let me know if there are any materials you would like to provide to John in advance of this meeting. I did remind him about both the FR notice currently under review in the IO, as well as the enforcement issue, last week. Feel free to raise them as part of the agenda!

Stephanie

-----Original Appointment-----

**From:** Maddox, Donald **On Behalf Of** Goodin, John

**Sent:** Tuesday, December 18, 2018 4:24 PM

**To:** Goodin, John; Sandra Connors ([Connors.Sandra@epa.gov](mailto:Connors.Sandra@epa.gov)); Frazer, Brian; Eisenberg, Mindy; McDavit, Michael W.; Hurlid, Kathy; Chemerys, Ruth; Santell, Stephanie; Maddox, Donald

**Cc:** Kelly, Stephanie; Shimkin, Martha

**Subject:** State and tribal Assumption

**When:** Wednesday, January 15, 2020 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomWest7129/DC-CCW-OWOW

Conference Call-in:

Ex. 6 Personal Privacy (PP)

Conference Code:

Ex. 5 Personal Privacy (PP)